
Language Access, Interpreters, and the Courts

Your FARE Share Conference 2020

David Svoboda, Language Access Coordinator, AOC

Welcome & Introductions

Presenter: David Svoboda, Language Access Coordinator, AOC

Objectives

Attendees: Name, court, position

What do you hope to learn today?

Definitions

Bilingual

Bilingual
Staff

Interpreter

Court
Interpreter

Language
Access

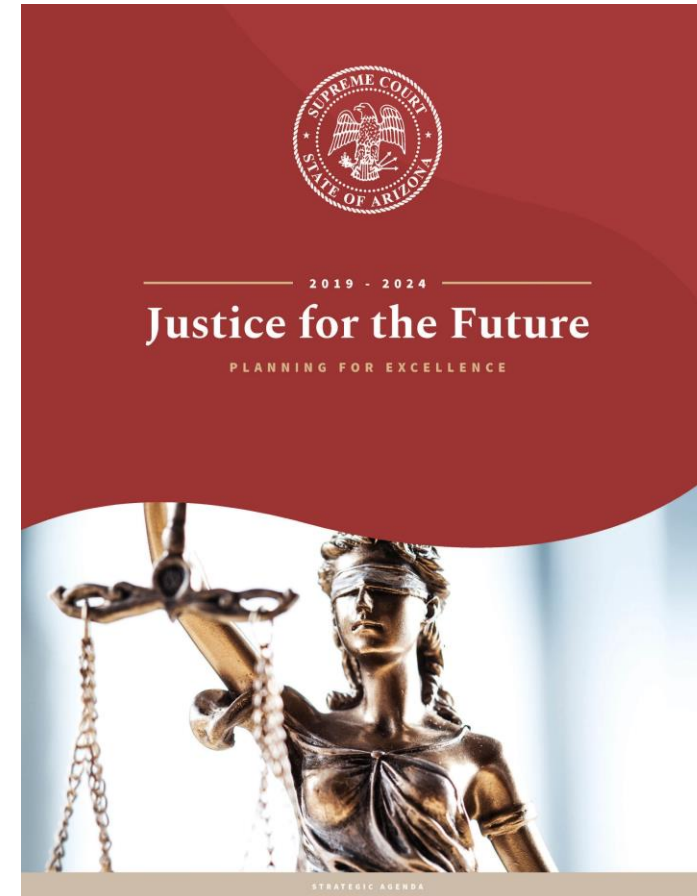
LEP

LAP

Strategic Agenda Goal 1

Promoting Access to Justice:

- *“We will continue expanding the services available to individuals with limited English proficiency...”*



Why Are Interpreters Required?

Title VI of the Civil Rights Act of 1964

Case Law

Ensure due process

Fairness; equal access

Meaningful communication

Preserve & protect constitutional rights & civil rights

Both in- and out of court

Language Access Plans (LAPs)

Administrative Order 2011-96

“[C]ourt interpreters will be provided in all courtroom proceedings at no cost [emphasis added] to all LEP [parties & participants].”

“[E]nsure that LEP individuals have meaningful access to all court services and programs outside the courtroom [emphasis added].”

“

As officers of the court, interpreters help assure that [LEP] persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively.

”

Court Interpretation: Model Guide for Policy and Practice in the State Courts

National Center for State Courts, 1995

Interpreter Cases

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Courts' Experiences

When do you need an interpreter?

How does the need present itself? Who asks?

Phones, public counters, forms & pleadings...

What's your court's plan or procedure?

What options do you have?

What's happening here?



Options for Finding an Interpreter

Interpreters
on staff

Arizona Court
Interpreter
Registry

Arizona Court
Interpreter
Listserv

Agencies

Video Remote
Interpreters
(VRI)

Telephonic
services

State
Procurement
Office Bid List

What about
bilingual
staff?

ACDHH
(for ASL)

Video next slide: About telephonic
interpreting services...



Language Barriers



Is “Bilingual” Enough?



DO WE REALLY HAVE TO GET (AND PAY FOR) AN ACTUAL INTERPRETER?

DO INTERPRETERS REALLY POSSESS SPECIAL KNOWLEDGE, SKILLS, OR
ABILITIES?

Bilingual & Educated (literate)

Researching & More

Cultural knowledge

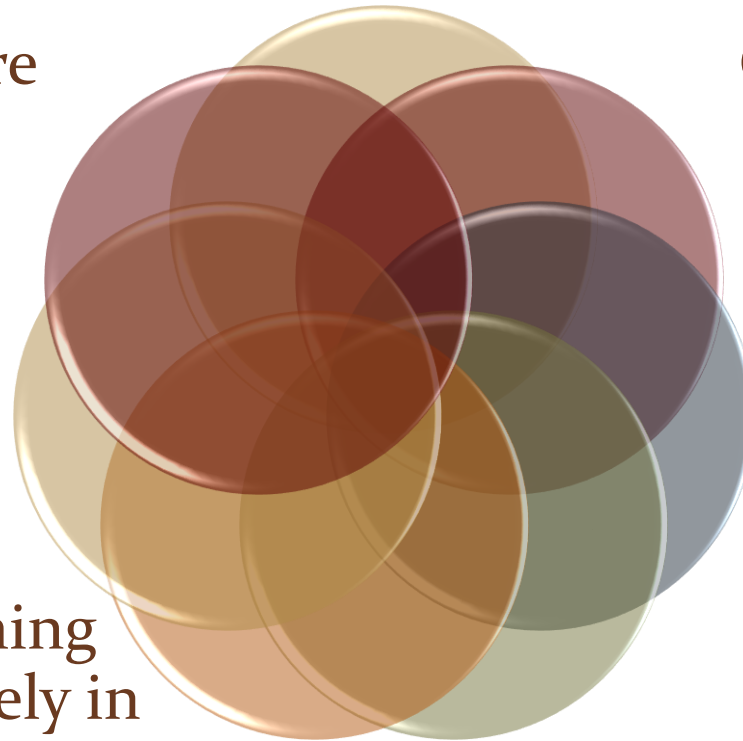
Memory &
note-taking

Legal systems
knowledge

Ability to transfer meaning
accurately and completely in
the 3 modes:

- Simultaneous, Consecutive, Sight Translation

Ethical conduct, duties &
responsibilities

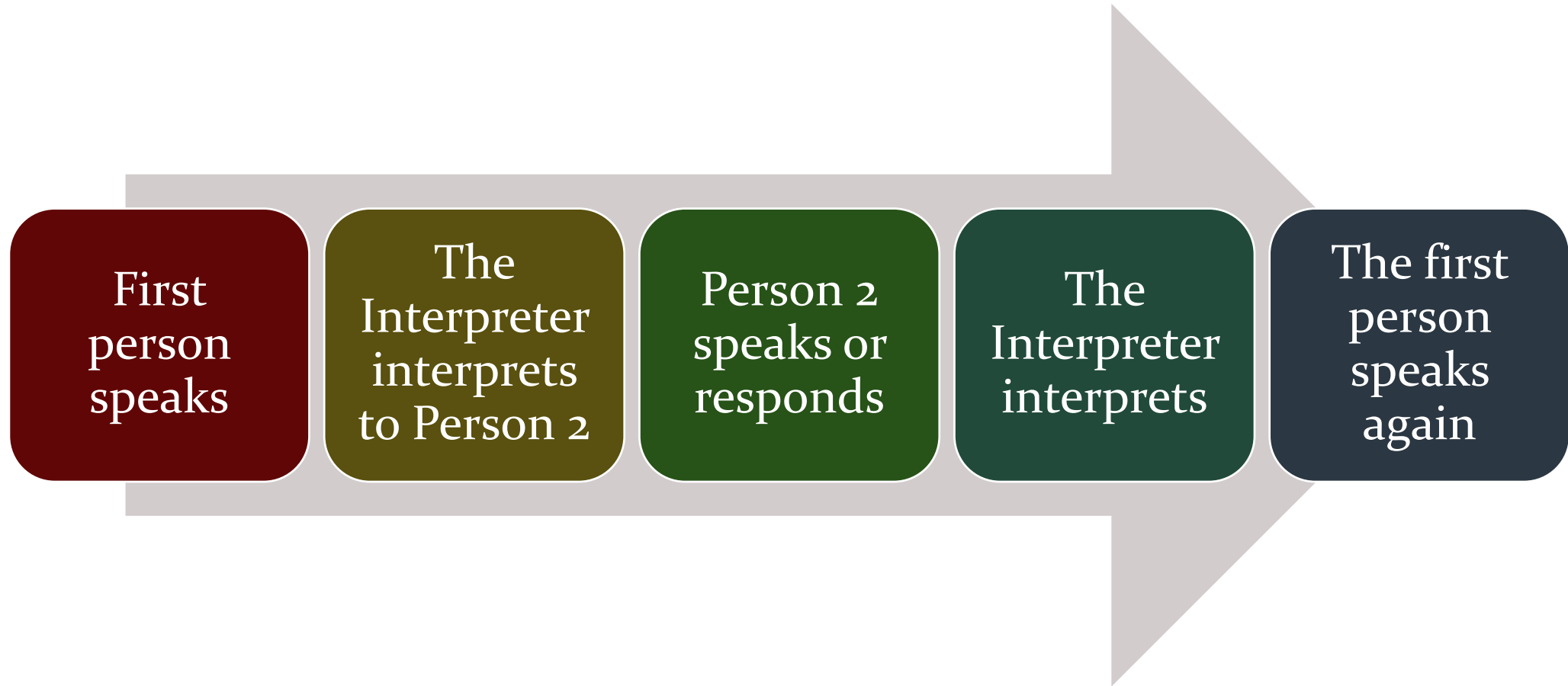


How Does Interpreting Work?

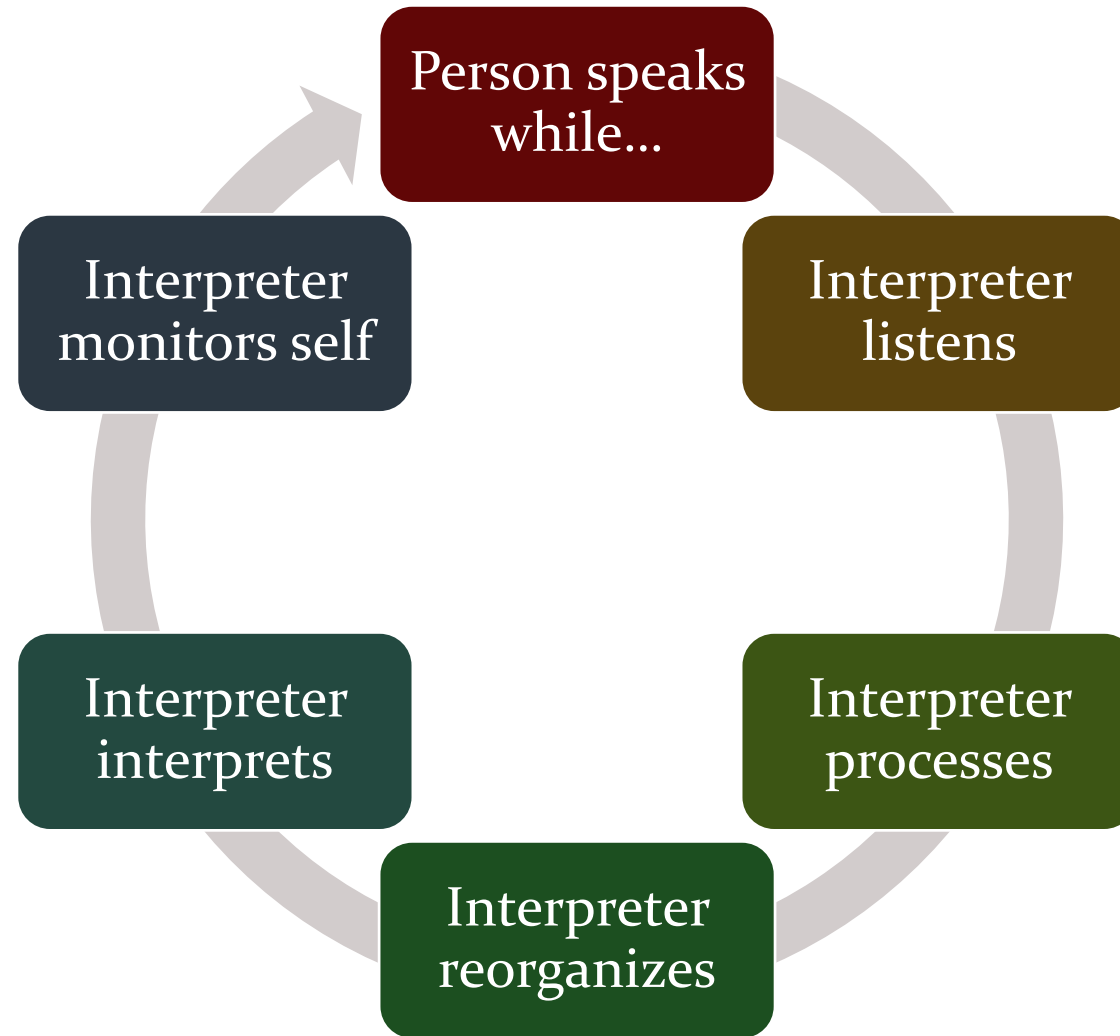


MODES OF INTERPRETING

Consecutive Interpreting



Simultaneous Interpreting



Simultaneous Exercise

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Sight Translation

Hybrid task of translation & interpreting

Reading a text written in one language out loud into another language

Reading/scanning ahead in text while simultaneously interpreting

Interpreter Hiring Requirements



ARIZONA SUPREME COURT ADMINISTRATIVE ORDER 2016-02

Expectations for Courts - Freelancers

Freelance Preference

- Exercise preference for use of credentialed freelance interpreters
- Beginning July 1, 2017

Expectations for Courts - Staff

Staff Requirement

- Required to have staff interpreters credentialed at Tier 3 or Tier 4
- Current staff by 6.30.19*
- New hires after 6.30.17
 - Already Tier 3 or 4; or
 - Within 24 months of hire

Credential Tiers

Tier 1

- Registry
- Ethics Class
- Courts Class
- Written Exam 80%
- OPI – Advanced +
- PERMANENT

Tier 2

- Tier 1 requirements
- Consec – 60%
- Simul – 60%
- Sight – 60% overall; both at least 55%
- TEMPORARY – 24 mos.

Tier 3

- Tier 1 requirements
- Consec – 70%
- Simul – 70%
- Sight – 70% overall; both at least 65%
- PERMANENT

Tier 4

- Tier 1 requirements
- Consec – 80%
- Simul – 80%
- Sight – 80% overall; both at least 75%
- PERMANENT

Tier A

- No oral interpreting test available
- Tier 1 requirements
- OPI – Superior
- PERMANENT

Using Credentialing Information

Tier level is NOT an indication of:

- Suitability for any specific assignment
- Overall knowledge or experience

Higher tiers denote:

- Increased modal proficiency
- Linguistic skills
- Aptitude for court interpreting work

Goal of Tiers:

- Provide courts with greater management information

Information Courts Should Seek from Interpreters

Credential status

- Verify in the AZ Court Interpreter Registry

Language

Court experience

Experience with specified case types

Verify no prior involvement in case (except on behalf of court)

Understanding of & compliance with interpreter ethics

Rates, fees, minimums, etc. > May be negotiable

What About ASL?

Requirements per A.R.S. 12-242

Licensure by ACDHH; www.acdhh.org

Legal A license required for “legal settings”

Courtroom vs. public counter

Other considerations?

Roles & Responsibilities of Bilingual Staff



(NOT INTERPRETERS)

Bilingual Staff: Where Do They Fit In?

Can communicate directly with an LEP person in their common language

Bailiff, clerks, managers, administrators, etc.

Proficient in English

Proficiency in another language – may vary

- Greetings only
- More detailed info
- Native-like proficiency

Improving Accessibility

Depending on language skills:

- Direct assistance outside the courtroom
- Public counters & phone calls
- Information, instructions, directions, explanations
- Forms assistance!

Benefits of Bilingual Staff

Immediate service to court users

Savings if no staff interpreters

Efficient use of resources (bilingual staff vs. interpreters)

Strategic use of resources (codes of conduct)

Access for all court users

Bilingual Staff vs. Court Interpreters

Bilingual Staff

Direct communication

Common language

Training & proficiency testing?

Code of Judicial Conduct

Court Interpreters

Bridge for communication

Language barrier

Credentialing required

CJC + Interpreter Ethics

A Word on Training & Testing

Bilinguals who learn only at home or school in the U.S.

- May have only a rudimentary knowledge of the language
- May lack knowledge of legal terminology
- May “codeswitch,” or oversimplify to compensate for deficiencies

Both may have difficulty understanding a foreign language speaker

- Limited proficiency impacts comprehension

Policies, protocols, guidelines, testing, etc. mitigate risk

Best Practices for Bilingual Staff

Don't guess

Know when you're in too deep

Ask for repetitions or clarifications; get help when needed

Beware "false friends"!

When is it okay to say, "No."?

When You Have an Interpreter...

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Information Interpreters Need and Appreciate

Hearing type(s), date & time, expected duration

Numbers, names & dates

- Case numbers; Amounts; Addresses
- Names of parties
- Dates in question

Other case info or exhibits if available

Language and related issues

Establish Expectations Early

When is the interpreter to appear?

For what type of case will the interpreter provide services?

Where does the interpreter check-in?

To whom does the interpreter report?

For whom does the interpreter provide services?

How does the interpreter notify the court of any issues?

- Issues may arise before, during, or after the assignment...

Compliance with AZ Court Interpreter Code of Conduct

What Not to Expect

- Summaries of spoken statements or written information
- Explanations of spoken statements or written information
- Omissions, additions, or edits
- “help” – *Caution!*
- Impressions as to credibility of LEPs or veracity of their claims
- Divulging of confidential/privileged information
- Teaching of language or interpreting skills during an assignment

What If Something Goes Wrong?

Interpreter FTA

LEP FTA

Delays

Continuance/Vacate prior to hearing

Interpreter complaints

Complaints about interpreters

Video next slide: Limitations...



Little Big Shots



Questions?



Credentialing Program Points of Contact



ACICP

Hotline: 602.452.3333

E-mail: interpreters@courts.az.gov

Web: www.azcourts.gov/interpreter

Thank you!



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